UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/23
28 August 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Agenda item 10 (a)

THE AIMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

QUESTION OF THE HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Protection of the human rights of United Nations staff members, experts and their families

Note by the Special Rapporteur, Mrs. Mary Concepcion Bautista

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in paragraph 8 of its resolution 1990/20 of 30 August 1990, invited the Special Rapporteur, Ms. Mary Concepcion Bautista, to continue her study on violations of the human rights of staff members and other persons acting under the authority of the United Nations, in order to present to its forty-third session a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families.

2. The Special Rapporteur regrets to inform the Sub-Commission that, as of 31 July 1991, only a few replies were received to the note verbale which was sent, in accordance with Sub-Commission resolution 1990/20, to Member States, the United Nations Security Coordinator, other United Nations bodies and specialized agencies.

GE.91-13285/7201a

3. Replies were received from the Governments of Argentina and Ethiopia, from the United Nations Security Coordinator and from the following United Nations bodies and specialized agencies: United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations High Commissioner for Refugees, World Food Programme, Food and Agriculture Organization of the United Nations, United Nations Industrial Development Organization and the International Atomic Energy Agency.

4. In this connection, the Argentinian Government reported that investigations into the disappearance of Ms. Viviana Micucci were still under way.

5. The Special Rapporteur received with great joy the news of the liberation of Mrs. Ghennet Mebratu and Mr. Tesfamariam Zeggae on 23 May 1991. There was still no news about Mr. Melake Belay, who was arrested in 1978 and who has been missing for many years. However, the Government of Ethiopia has informed the Special Rapporteur that an investigation was currently under way, the result of which would be communicated to her.

6. This positive step could give an impetus to other Governments, groups and unknown elements to redress situations in which the basic rights of staff members and their families are violated.

7. Unfortunately, the situation of staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, especially those retained by the Israeli authorities in the Gaza Strip and the West Bank, has not basically changed. The Special Rapporteur deplores in particular the expulsion of two UNRWA employees from the Gaza Strip on 18 May 1991.

8. Moreover, the Office of the United Nations High Commissioner for Refugees has informed the Special Rapporteur that two of its staff members in Somalia, Mr. Harun A. Abrar and Mr. Dhaquane Isaq Darood, were killed in December 1990 in the exercise of their duties.

9. The Special Rapporteur also expresses her concern about the case of Mr. Jiang Yue, a staff member of the International Atomic Energy Agency, retained in his country, China, since 2 September 1989. The Director General of the International Atomic Energy Agency, in a letter to the Special Rapporteur, reiterated his request to the Chinese authorities to allow Mr. Jiang Yue to resume his duties as a translator.

10. The Food and Agriculture Organization reported that since the Special Rapporteur's latest report it had no further information regarding the six former staff members expelled from Mauritania. Neither could additional information be furnished on the three Afghan cases and the case of Mr. Abel Nyirenda from Zambia. New cases in Pakistan and Zambia involving criminal prosecution were reported; four staff members were concerned, two in each country. They have been released on bail.

11. The Special Rapporteur was pleased to be informed by the World Food Programme that two staff members working in Senegal, Mr. Youssouph Bodian and Mr. Magloire Bodiane, had been released on 16 January 1991.

12. In view of the fact that many replies are still outstanding, especially those from Governments, the Special Rapporteur requests the Sub-Commission to consider deferring consideration of the study until next year in order to give Governments and United Nations organs more time to report and provide more information. This would enable her to submit a final report to the Sub-Commission in accordance with the views of its members.

13. Of the 125 international civil servants who have been detained, executed, missing or disappeared, about 80 are in the Middle East. The current negotiations now being undertaken by the Secretary-General of the United Nations for the release of hostages and detainees in the Middle East should also include efforts to locate and secure the return of detained international civil servants as well as information regarding detained, missing, executed or disappeared United Nations personnel. The United Nations agencies, as well as families and relations, should be given access to those detained United Nations personnel and their rights under the United Nations covenants and the International Bill of Rights must be insisted upon.

14. We must not allow any country or Government to believe that it has no responsibility or accountability in these matters. Our continued efforts on behalf of these victims must continue unabated, and the United Nations agencies, especially those still operating in the countries where United Nations personnel have been victimized, must continue to demand observance of their rights and insist that access to them should be extended as a matter of right.

15. The United Nations must take into account these incidents and the attitude of the Governments concerned when considering the continuation of United Nations aid and assistance and the safety of United Nations personnel, whether hired locally or internationally, must be emphasized as being the responsibility of the receiving country.